



## TOLEDO - LUCAS COUNTY PLAN COMMISSIONS

One Government Center, Suite 1620, Toledo, OH 43604 P: 419 245-1200 F: 419 936-3730

DATE: January 15, 2021

REF: M-17-20

TO: President Matt Cherry and Members of Council, City of Toledo

FROM: Toledo City Plan Commission, Thomas C. Gibbons, Secretary

SUBJECT: Amendment to TMC 1108.0404 (B) Walls, Fences, or Berms

The Toledo City Plan Commission considered the above-referenced request at its meeting on Thursday, January 14, 2021 at 2:00 P.M.

### GENERAL INFORMATION

#### Subject

Request	-	Amendment to TMC 1108.0404 (B)
Applicant	-	Toledo City Plan Commission One Government Center Suite 1620 Toledo OH 43604

### STAFF ANALYSIS

This request is for the review of Toledo Municipal Code Section 1105.0304 which pertains to the type of building materials with which to construct fencing within a residential zoning district. Currently, materials used to construct fencing must be durable and constructed of wood, decorative rigid vinyl (polyvinyl chloride), metal, or wrought iron. Fence posts must be structurally stable. The finished side of the fence must face the adjacent property, street, or place.

There have been recent incidents of fence installations involving materials that technically meet this definition, but were not manufactured as a fence material (for example, metal slats). Alternative materials are acceptable in commercial and industrial zoning districts, but they lead to unsightly conditions in residential neighborhoods.

In order to encourage neighborhoods to preserve safe environments for families and pets and discourage blight, staff recommends an amendment to TMC 1108.0404 (B) requiring fencing materials to not be constructed of used or discarded materials in a state of disrepair, including but not limited to: pallets, doors, tires, corrugated metal, tree trunks, or other similar items. Staff recommends the approval of the amendment to TMC 1108.0404 (B) as the text amendment clarifies the stated fencing materials of the Zoning Code.

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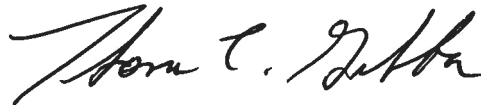
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### **PLAN COMMISSION RECOMMENDATION**

The Toledo City Plan Commission recommends approval of M-17-20, a request to review Section 1108.0404 (B) of the Toledo Municipal Code, to the Toledo City Council for the following reason:

1. The proposed text amendment clarifies the stated purpose of the Zoning Code.

Respectfully Submitted,



Thomas C. Gibbons  
Secretary

NH  
Exhibit "A" follows  
Cc: Lisa Cottrell, Administrator  
Nancy Hirsch, Planner

**Exhibit “A”**

(Additions in bold italic. Deletions in strikethrough.)

**1108.0404 Walls, Fences or Berms.**

A wall, fence, or berm, whether or not intended to satisfy the landscape and screening requirements of this chapter, must comply with the following standards.

A. **Walls.** Any wall must be constructed to be durable, in brick, stone, or other masonry materials as approved by the Planning Director.

B. **Fences.** ~~Any fence must be durable and constructed of wood, decorative rigid vinyl (polyvinyl chloride), metal, or wrought iron.~~ ***No fence shall be constructed of used or discarded materials in a state of disrepair, including but not limited to: pallets, doors, tires, corrugated metal, tree trunks, or other similar items. Materials not specifically manufactured for fencing shall not be used for, or in the construction of, a fence within residential zoning district.*** Fence posts must be structurally stable. The finished side of the fence must face the adjacent property, street, or place. Chain link fencing must not be used to meet buffers and screening requirements. Wood fence posts must be treated lumber.

C. **Berms.** Berms must be physical barriers made of earth which block or screen the view similar to a hedge, fence, or wall. In no event must a mound have a slope of greater than 3:1. Topsoil must be placed over all berms at a depth of 4 inches to facilitate vegetation growth on the mound. All mounds must be stabilized to prevent erosion immediately after its construction and must be landscaped within the next planting season in accordance with the landscaping requirements in this chapter.  
(Ord. 170-04. Passed 3-23-04.)